IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 11630 of 2004

Between:

Smt. P. Ammayamma W/o. A.S. Prakash Rao, TGT (Telugu) teacher,
Social Welfare Residential School, Kanchili, Srikakulam District.

..... PETITIONER

AND

1 The Government of A.P., rep. by its Secretary, Social Welfare Department,

Secretariat, Hyderabad.
2 The A.P. Social Welfare Residential Institutions Society, Regd. No. 2453/86,

represented by its Secretary 58/2RT, P.S. Nagar,
Hyderabad-57.
3 The Principal, A.P. Social Welfare Residential School, Kanchili, Srikakulam

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a writ of mandamus, declaring the action of the 3rd respondent in not extending the revised pay scales of 1998 to the petitioner as highly illegal, arbitrary, unjust, void and discriminatory and consequently direct the 3rd respondent to pay all the benefits of revised pay scales of 1998 to the petitioner forthwith .

Counsel for the Petitioner: MR.G.CHANDRA SHAKHAR RAO
Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the action of the third respondent in not extending the benefits of the revised scales of 1998 to the petitioner as illegal, arbitrary and consequently to direct the third respondent to pay all the benefits of revised pay scales of 1998 to the petitioner.

The facts, in brief, are that the petitioner was temporarily appointed as a Telugu teacher in the third respondent-School on *ad hoc* basis with a consolidated pay of Rs.600/- per month in the year 1987. He stated in the affidavit filed along with the present writ petition that he was not paid the salary on par with the employees working under the third respondent with effect from 14-06-1993. Then, he filed W.P.No.5536 of 1990 along with others. This Court by an order dated 04-10-1993 in W.P.M.P.No.18009 of 1993 in W.P.No.5536 of 1990 directed the third respondent to pay the salary to the petitioner and others on par with other employees. In pursuance of the said direction, the second respondent issued proceedings on 20-11-1993 directing to pay salary to the part time teachers on par with other employees. The petitioner also stated that the first respondent issued G.O.Ms.No.38 dated 22-03-2001 stating that all the part time

teachers are entitled to the benefits of revised pay scales of 1993 on par with contract teachers. Accordingly, the third respondent called for the details of the petitioner. The petitioner furnished the details as required by the respondents. Consequently, the respondents extended all the benefits applicable to the regular teachers to the petitioner since 14-06-1993. The revised pay scales of 1993 were given to the petitioner, however, some increments were not given to him. The petitioner further stated that the third respondent extended the benefits of the revised pay scales of 1998 to other part time teachers but, the same was not extended to him. He made several representations to the respondents including the representation dated 12-03-2000 requesting the respondents to implement and extend the benefits of the revised pay scales of 1998 to him on par with other employees. But, the respondents did not pass any orders on the said representation. Hence, the present writ petition.

Heard the learned Counsel for both the parties and at their request the writ petition itself is taken up for disposal at the admission stage and perused the material on record.

The learned Counsel for the respondents submitted that since the representation alleged to have been made by the petitioner was of the year 2000, it could not be traced, therefore, it is essential to direct the petitioner to make a fresh representation to enable the respondents to pass appropriate orders as per Rules.

In the light of the facts and circumstances of the case, the petitioner is directed to make a fresh representation seeking implementation of the benefits of revised pay scales of 1998 and on receipt of such representation, the respondents are directed to pass appropriate orders as per the Rules within a period of two months from the date of receipt of the said representation and communicate the order to the petitioner.

The writ petition is accordingly disposed of at the admission stage. No order as to costs.

_____

29-07-2004

Note:-

Office to furnish C.C. in two days.

B/o

ghn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Social Welfare Department, the Government of A.P., Secretariat, Hyderabad.

2 The Secretary, the A.P. Social Welfare Residential Institutions Society, Regd. No. 2453/86, 58/2RT, P.S. Nagar, Hyderabad-57.

3 The Principal, A.P. Social Welfare Residential School, Kanchili, Srikakulam District.

4. Two CCs to the Government Pleader for Social Welfare, High Court of A.P., Hyderabad.(O.U.T.)

5. Two CD copies.